REMARKS

Claims 1-2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, and 47-55 were pending and presented for examination. In an Office Action dated October 1, 2008, claims 1-2, 4-6, 8, 11-12, 14-24, 26-28, 30, 32-34, 36-44, and 47-55 were rejected. In response, claims 1-2, 5, 8, 11-12, 14, 18-19, 23-24, 27, 30, 33, 36, and 40-41 are amended and claim 55 is cancelled herein. Claims 1-2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, and 47-54 are pending upon entry of this amendment.

Response to Rejection under 35 USC §103(a)

Claims 1-2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, and 55 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Johnson, U.S. Publication No. 2002/0107847 in view of Bates, U.S. Pat. No. 6,456,307. Claims 47-54 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Johnson in view of various combinations with Bates, Matsuda, U.S. Pat. Publication No. 2002/0065841, Wynblatt ("Web Page Caricatures: Multimedia Summaries for WWW Documents" Proc. IEEE Int'l Conf. Multimedia Computing and Systems, 22 June to 1 July 1998, pp. 194-199), Toyama, U.S. Patent No. 6,816,847, Miyazaki, U.S. Pat. Publication No. 2002/0107847 and Zernik, U.S. Pat. Publication No. 2002/0038299. These rejections are traversed in view of the amended claims.

Amended claim 1 recites a method comprising:

> receiving image data associated with an article of interest, the image data identifying a plurality of images within the article of interest;
> determining a plurality of image data signals for the plurality of images based at least in part on the image data;

determining a plurality of image data scores for the plurality of images based at least in part on the plurality of image data signals and the article of interest;

comparing the plurality of image data scores for the plurality of images to a predefined threshold;

responsive to an image data score for an image being greater than the predefined threshold, selecting the image from within the article of interest as a representative image for the article of interest; and

responsive to the plurality of image data scores for the plurality of images within the article of interest being below the predefined threshold:

determining a second article topically similar to the article of interest; and

selecting a default image from among a plurality of images within the second article as a representative image for the article of interest.

The claim recites comparing the plurality of image data scores for the plurality of images to a predefined threshold. Responsive to an image data score for an image being greater than the predefined threshold, the image from within the article of interest is selected as a representative image for the article of interest. Responsive to the plurality of image data scores for the plurality of images within the article of interest being below the predefined threshold, a second article that is topically similar to the article of interest is determined. A default image from among a plurality of images within the second article is selected as a representative image for the article of interest. The recited features are beneficial as the selection of the representative image is not limited to the images from within the article of interest.

Johnson does not disclose or suggest "selecting a default image from among a plurality of images within the second article as a representative image for the article of interest." Johnson discloses a system and method for generating visual or multimedia search results in response to an Internet document search query. (Johnson, Abstract.) Johnson

discloses that images from an HTML document are extracted and an image is selected from the HTML document based on the image's relative size and position in the document under the assumption that the largest and most prominent images in the HTML document indicate the content of the document. (Johnson, ¶ [0035].) To select the image, Johnson analyzes image pixel height in the document to test if images within the HTML document are web advertisements. Johnson assumes that images within the HTML document that are greater than 64 pixels in height (i.e., pixel height threshold) are not web advertisements and are representative images of the HTML document. (Johnson, ¶ [0035].) The Examiner asserts that Johnson discloses the use of a position threshold when analyzing an image's relative position within the document in a similar manner to Johnson's analysis of image pixel height to determine whether the image is a representative image of the HTML document.

As noted by the Examiner, Johnson does not disclose selecting a default image from outside the article as a representative image for the article. Thus, it logically follows that Johnson does not disclose or suggest "selecting a default image from among a plurality of images within the second article as a representative image for the article of interest," as claimed.

Assuming for the sake of argument, that Johnson does disclose the recited limitation, there is still no hint, mention or suggestion in Johnson that the selection of the default image is "responsive to the plurality of image data scores for the plurality of images within the article of interest being below the predefined threshold." As previously argued in the Office Action Response dated September 3, 2008, Johnson does not account for the scenario in which there are no images with a corresponding position above the position threshold.

Johnson operates under the assumption that an image from the document with an image position score that is above the position threshold will be extracted. (Johnson, ¶ [0035].)

This is clearly shown in Johnson's statement that "[i]f the HTML document image is less than or equal to 64 pixels in height, then the indexer **extracts a new image from the HTML document.**" (Johnson, ¶ [0035].) Thus, responsive to the image position score being below the position threshold, Johnson extracts a new image from the HTML document to determine whether the new image is a representative image of the HTML document. In contrast, in the claimed invention, the plurality of image data scores for the plurality of images may be below the predefined threshold resulting in the selection of a default image from among a plurality of images within the second article as a representative image.

Bates does not remedy the deficiencies of Johnson. Bates discloses a mechanism for generating icons which represent web pages. (Bates, Abstract.) There is no disclosure in Bates of "selecting a default image from among a plurality of images within the second article." As noted by the Examiner, Bates merely disclose that a default icon for a web page can be determined based on an HTML tag that exists in the web page. The HTML tag specifies an icon or image to use as a default icon for the web page. (Bates, col. 17, lns. 23-37.) The HTML tag is essentially a pointer to the image which is designated as the default icon for the web page. Thus, Bates cannot "select" an image as the default icon because the default icon is already predefined in the HTML tag. Bates merely retrieves the single image that the HTML tag points to and associates the retrieved image as the default icon. In contrast, the claimed invention "select[s] a default image *from among a plurality of images* within the second article as a representative image for the article of interest."

Furthermore, there is no hint, mention or suggestion in Bates that the selection of the default icon is "responsive to the plurality of image data scores for the plurality of images within the article of interest being below the predefined threshold," as claimed. First, there is no disclosure in Bates of the concept of scoring an image nor does the Examiner make this assertion. Second, Bates discloses that a default icon is selected *responsive to the user selecting a link from within a displayed web page*. (Bates, Fig. 16, col. 14, lns. 40-55.) In Bates, once a web page that is associated with a user selected link is retrieved, a default icon for the retrieved web page is selected. Thus, Bates does not select the default icon responsive to the plurality of image data scores for the plurality of images within the article of interest being below the predefined threshold, as claimed.

Claim 22 includes similar limitations to claim 1. All arguments advanced above with respect to claim 1 also apply to claim 22. Based on the above amendment and the remarks, Applicants respectfully submit that for at least these reasons, claims 1 and 22 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that the Examiner reconsider the rejection and withdraw it.

Claim 55 is cancelled without prejudice or disclaimer. Thus, the rejection to claim 55 is moot.

The Examiner only applied Johnson in various combinations of other references including Bates, Matsuda, Miyazaki, Wynblatt, Toyama and Zernik for the dependent limitations in the claims. These references do not remedy the deficiencies of the references described above. The dependent claims incorporate the limitations of their respective base claims. Applicants submit that the dependent claims are allowable for at least the reasons described above, in addition to the further patentable limitations recited therein.

Conclusion

In sum, Applicants respectfully submit that claims 1-2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, and 47-54, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
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